



**CITY OF CENTRAL POINT
PLANNING COMMISSION AGENDA
July 6, 2010 - 6:00 p.m.**



Next Planning Commission
Resolution No. 772

I. MEETING CALLED TO ORDER

II. ROLL CALL

Connie Moczygemba, Chuck Piland, Pat Beck, Mike Oliver, Justin Hurley, Tim Schmeusser and Keith Wangle

III. CORRESPONDENCE

IV. MINUTES - Review and approval of April 6, 2010 Planning Commission Minutes and June 1, 2010 Planning Commission Study Session Minutes

V. PUBLIC APPEARANCES

VI. BUSINESS

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- A. File No. 07106.** Consideration of a Major Modification application of the approved Conditional Use Permit to include expansion of Anytime Fitness to the second floor of the Crossing at Center Point building at 312 Oak Street Central Point, Oregon. The subject property is located in the TOD-HMR, Transit Oriented Development-High Mix Residential/Commercial zoning district. The subject property is identified on the Jackson County Assessor's map as 37S 2W 11BB, Tax Lots 500, 600 and 700. **Applicant: Tom Malot Construction Co., Inc.;**
Agent: Tommy Malot

B. File No. 10001. Continued discussion of proposed amendments to the Tourist and Office-Professional (C-4) zoning district. **Applicant: City of Central Point**

VII. DISCUSSION

VIII. ADMINISTRATIVE REVIEWS

IX. MISCELLANEOUS

X. ADJOURNMENT

**City of Central Point
Planning Commission Minutes
April 6, 2010**

I. MEETING CALLED TO ORDER AT 6:00 P.M.

II. ROLL CALL

Commissioners Connie Moczygemba, Chuck Piland, Pat Beck, Mike Oliver, Tim Schmeusser, Keith Wangle, and Justin Hurley were present.

Also in attendance were: Tom Humphrey, Community Development Director; Connie Clune, Community Planner; Dave Jacob, Community Planner; and Didi Thomas, Planning Secretary.

III. CORRESPONDENCE

Community Development Director Tom Humphrey advised Planning commissioners that the City had received a final order from the Oregon Department of Transportation Rail Division to begin construction of a railroad crossing at Twin Creeks and Highway 99.

IV. MINUTES

Justin Hurley made a motion to approve the minutes of the March 16, 2010 Planning Commission meeting as submitted. Mike Oliver seconded the motion. ROLL CALL: Piland, yes; Oliver, yes; Hurley, yes; Beck, yes; Schmeusser, yes; Wangle, yes. Motion passed.

V. PUBLIC APPEARANCES – None.

VI. BUSINESS

- A. File No. 09017.** A resolution forwarding a favorable recommendation to the Central Point City Council regarding adoption of the Greater Bear Creek Valley Regional Plan. **Applicant: Jackson County**

Tom Humphrey explained that as a result of the public hearing held on March 16, 2010, the Planning Commission directed staff to address the preliminary regional plan and to deal with the issues that arose during the public hearing in a formal resolution. The

resolution being presented to commissioners contains some standard language that will be used by all participating cities, Mr. Humphrey added, as well as proposed modifications to the Plan.

Mr. Humphrey stated that the proposed draft Plan is consistent with the Agreement Plan and pointed out that Exhibits C through F attached to the resolution indicate in red the corrections made to issues raised.

Justin Hurley made a motion to approve Resolution 771, a resolution on behalf of the City of Central Point Planning Commission forwarding a favorable recommendation to the City Council regarding adoption of the Greater Bear Creek Valley Regional Plan based on the standards, findings, conclusions and recommendations stated in the staff report. Chuck Piland seconded the motion. ROLL CALL: Piland, yes; Oliver, yes; Hurley, yes; Beck, yes; Schmeusser, yes; and Wangle; yes. Motion passed.

B. File No. 07038. Consideration of a request from North Valley Center for an extension of time within which to submit a final development plan for a mixed use commercial shopping facility. The property is located on East Pine Street (Biddle Road) in the C-4, Tourist and Office Professional zoning district (Jackson County Assessor's map 37S 2W 01C, Tax Lot 802). Applicant: Bank of the Cascades

There were no conflicts or ex parte communications to disclose.

Community Planner Connie Clune presented a staff report on the requested extension for this mixed use commercial shopping center, noting that a map of the location of the subject property and a previously approval site plan were included with the staff report for easy reference. Ms. Clune stated that Bank of the Cascades received this property in a foreclosure proceeding and is continuing to market it.

Tom Humphrey added that an extension of site plan approval will provide more options to a potential buyer.

Chuck Piland made a motion to approve the request from North Valley Center for an extension of time within which to submit a final development plan for a mixed use commercial shopping facility (Jackson County Assessor's map 37S 2W 01C, Tax Lot 802) based on the standards, findings, conclusions and recommendations stated in the staff report. Pat Beck seconded the motion. ROLL CALL: Piland, yes; Oliver, yes; Hurley, yes; Beck, yes; Schmeusser, yes; and Wangle; yes. Motion passed.

VII. DISCUSSION

VIII. ADMINISTRATIVE REVIEWS

IX. MISCELLANEOUS

Tom Humphrey urged commissioners to read the current issue of "The Commissioner" that was distributed. Mr. Humphrey noted that he and Planning Manager Don Burt would be attending the national conference in New Orleans this month.

Mr. Humphrey advised that there had been a gradual improvement in building activity recently with the construction of several new homes in Snowy Butte Station, a new subdivision under construction near North Valley by Bob Fellows, and plans for some new row houses to be built by Bret Moore. Mr. Humphrey added that Todd Meador, the Building Official, had been occupied with keeping code current and supervising the High Tech Crime Lab improvements.

A meeting of the Downtown Revitalization Committee had been held on Monday evening, April 5, 2010, at which Mr. Humphrey introduced John Galbraith, Galbraith and Associates, who will be coming up with some designs for the Exit 33 interchange to make it a more noticeable city entry.

In response to questions raised by commissioners, Mr. Humphrey said that he would ask ODOT about restriping the overpass to make it safer for bicycle traffic. Mr. Humphrey advised that Mon Desir could not be rebuilt as a restaurant. If a transit oriented development district is created for the east side, the property could be utilized for both commercial and mixed use development.

A question was raised with regard to the property located at Haskell Street and Taylor Road. Mr. Humphrey assured that code enforcement was working on this matter, and at such time as there was enough material available, Mr. Humphrey would send a letter to the owner of the property.

X. ADJOURNMENT

Mike Oliver made a motion to adjourn the meeting. Chuck Piland seconded the motion. Meeting was adjourned at 6:30 p.m.

The foregoing minutes of the April 6, 2010 Planning Commission meeting were approved by the Planning Commission at its meeting on the _____ of _____, 2010.

Planning Commission Chair

**City of Central Point
Planning Commission
Study Session Minutes
June 1, 2010**

I. MEETING CALLED TO ORDER AT 6:05 P.M.

II. ROLL CALL

Commissioners Connie Moczygemba, Pat Beck, Tim Schmeusser, Keith Wangle, and Justin Hurley were present.

Also in attendance were: Tom Humphrey, Community Development Director; Don Burt, Planning Manager; Connie Clune, Community Planner; Dave Jacob, Community Planner; and Didi Thomas, Planning Secretary.

III. DISCUSSION

C-4 Zoning District Amendments

Planning Manager Don Burt advised the Commissioners that the purpose of the study session this evening was to discuss the basic concepts for the proposed changes to the C-4 zoning district and that details (specific standards) would be discussed at a later time. Mr. Burt asked that the focus be on design elements. Staff would be meeting with an ad hoc committee of business people on June 10, 2010 and wished to impart the Planning Commission's wishes at that time in order to provide direction to the businessmen.

The City's Strategic Plan that was adopted in May of 2007 expressed a desire to maintain a "small town" environment as one of the City's core goals, a community that was walkable with buildings designed to project more human scale with attractive streetscapes and pedestrian ways. Connectivity between destinations by way of pedestrian paths is key to creating and maintaining walkability in the community.

Connie Moczygemba expressed concerns for design criteria to apply also to the service components of new construction that abut residential areas.

Tom Humphrey, Community Development Director, pointed out that building orientation on a property could also serve as a buffer to interface with residential properties.

“Transparency” and the creation of human scale, Mr. Burt said, is created by utilizing window space for display areas, awnings over storefronts and vegetation. This is what provides a small town feel.

Commissioners expressed concerns about design criteria, and making Central Point look “cute”. Mr. Burt stated that any given standard doesn’t guarantee quality and that we certainly wouldn’t want to create a theme. Architecture should be functional and can be broken up with the use of different materials. The code amendments do not advocate an architectural theme.

Commissioners generally agreed that there should be 40% transparency as a design standard and this would apply to public street frontage where there is pedestrian movement. Walkability and human scale were also considered to be necessary components for consideration.

Mr. Burt said that future study sessions would deal with refining design requirements in conjunction with uses.

Justin Hurley expressed concerns about where the funding would come from for infrastructure improvements. Don Burt said that this would always be a constant issue.

Keith Wangle mentioned tree clearance and canopy as a concern. This is where the sidewalk widths would be important to compensation. Mr. Burt noted that streetscape design is always fraught with compromises which should be made consciously.

IV. ADJOURNMENT

Meeting was adjourned at 6:55 p.m.

The foregoing minutes of the June 1, 2010 Planning Commission Study Session were approved by the Planning Commission at its meeting on the _____ of _____, 2010.

Planning Commission Chair

**MAJOR MODIFICATION TO APPROVED
CONDITIONAL USE PERMIT (MALOT)**

City of Central Point, Oregon

140 S 3rd Street, Central Point, OR 97502
541.664.3321 Fax 541.664.6384
www.centralpointoregon.gov



Community Development

Tom Humphrey, AICP
Community Development Director

STAFF REPORT

July 6, 2010

AGENDA ITEM: File No. 07106

Consideration of a Major Modifications application of the approved Conditional Use Permit (File 07106) at 312 Oak Street, (37S 2W 11BB, Tax Lots 500, 600 and 700), TOD-HMR, Transit Oriented Development-High Mix Residential/Commercial zoning district. Applicant: Tom Malot Construction Co., Inc.; Agent: Tommy Malot.

STAFF SOURCE:

Connie Clune, Community Planner

BACKGROUND:

The Crossing at Center Point is a three story, mixed-use building with apartments on the third floor, professional office space on the second floor, the fitness center and pizza parlor on the first floor.¹ At this time the applicant is proposing the following two (2) modifications to the current Conditional Use Permit:

1. A 2,080 sq. ft. expansion of Anytime Fitness to the second floor of The Crossing (Suites 205 and 206). An interior staircase from Suite 101 to Suite 205 will be constructed to provide member access to the added second floor exercise area; and
2. Use of the remaining five vacant second floor suites as follows:
 - a. Future expansion of the fitness center, and
 - b. Other personal service² oriented businesses (blueprint services, tanning, hair salon, martial arts etc.) on the second floor.

The applicant's primary objective is to secure flexibility in the recruiting of various personal service uses without having to repeatedly modify the Conditional Use Permit. Within the HMR District entertainment and personal service uses, and second story professional office uses are permitted subject to receipt of a Conditional Use Permit.

Entertainment, Fitness Center

The fitness center has been previously approved as a conditional use on the first floor. The Planning Commission's initial consideration of the fitness center as a conditional use focused on parking and use compatibility with the third floor residential units. It was determined, and has since been demonstrated, that the first floor fitness center is compatible with the residential units

¹ Resolution No. 727

² Section 17.08.410(D)(b)

and that the parking is adequate. Expansion of the fitness center to the second floor will require additional parking and bring the fitness center operation physically closer to the third floor residents.

Parking - The project was initially designed based on the second floor being used for professional offices (1:400). As such, personal service uses will not adversely affect the parking requirements. The TOD parking standards for entertainment uses (1:250), which includes fitness centers, is greater than professional offices (1:400). The conversion of 2,080 sq. ft. from office to entertainment use would typically require additional parking. However, in the case of the fitness center, 54% of the parking demand occurs after 6:00 p.m. allowing the shared use of the vacated office parking. Conservatively, and under a mixed-use scenario, a parking ratio of 1:400 is adequate for the fitness center.

Use Compatibility – The applicant is proposing low impact fitness use (stationary bikes/treadmills) of the proposed second floor expansion. The building's design (separated access and sound insulation) should be adequate to buffer the third floor residences from the proposed expansion. The proposed fitness center request has been conditioned to further reduce uses that may cause adverse impacts to the third floor residents.

Personal Services

The applicant is requesting the flexibility to allow personal services as an allowed use eliminating the need to repeatedly modify the conditional use permit. This is not an unreasonable request provided that it can be found that there will be no adverse impacts to the parking and use compatibility with the third floor residential units. The applicant's request to allow personal services on the second floor can be supported subject to conditions.

Parking – The parking requirement for personal service uses is less than for professional offices. Any conversion of professional office space to personal service space will result in a reduction in the currently required minimum number of parking spaces. Therefore, parking is not an issue.

Use Compatibility - The operational characteristics of personal services and professional offices are very similar (clients/employees); however, some personal services can have operational characteristics that may not be compatible with abutting residential uses, i.e. uses that generate noise, etc. The building's design (separated access and sound insulation) should be adequate to buffer the third floor residences from most personal services. However, there are other personal services (music/karate studios, blueprint shops) that could have adverse impacts on the third floor residential units. To avoid such occurrences it is recommended that the Community Development Director be given the discretion to approve or deny personal uses.

ISSUES:

In considering this application there are two basic issues:

1. Adequacy of Parking. Because of the mixed-use nature of The Crossing at Center Point project and the off-set peak use periods the parking can be adequately accommodated (see findings).
2. Use Compatibility. As the commercial uses (fitness center and personal services) encroach onto the second floor, the issue of use compatibility with the third floor residential units becomes more of a concern, depending on the type of activity allowed. As conditioned, allowing the Community Development Director the discretion to approve or deny personal service uses, the issue of compatibility can be addressed on a case by case basis without having to reopen the Conditional Use Permit.

FINDINGS:

See Attachment "D"

CONDITIONS OF APPROVAL:

1. Prior to the issuance of a final tenancy occupancy permit for Suites 205 and 206, the applicant shall enter into and record a shared parking agreement with the City of Central Point for the Oak Street parking lot for the creation of the equivalent of three (3) parking spaces.
2. The parking requirements for the fitness center are hereby modified to one space for every 400 sq. ft. (see findings for justification). Other than the adjustment for the fitness center, The Crossing at Center Point project shall comply with the City's parking requirements as set forth in Section 17.65.050, Table 3.
3. The second story fitness center expansion shall be limited to activities that do not cause excessive vibration or loud music.
4. Personal Service uses are subject to approval by the Community Development Director as a Type II, Minor Amendment procedure. The Community Development Director has the discretion to require a conditional use permit of any proposed personal use that has the potential to adversely affect the residential units.
5. Conditions as listed by the Central Point Public Works Staff Report dated June 14, 2010.

ATTACHMENTS:

Attachment "A"- Applicant submittals
Attachment "B"- Central Point Public Works Staff Report
Attachment "C"- Anytime Fitness Trip Study
Attachment "D"- Findings of Fact
Attachment "E"- Resolution

ACTION:

Consideration of Resolution No. ____, approving the proposed Major Modification to Conditional Use Permit File: 07106.

RECOMMENDATION:

Approval of Resolution No. ____, granting a Major Modification of Conditional Use Permit File 07106.



ATTACHMENT "A"

650 E. Pine St., Ste. #102A
Central Point, OR 97502
(541) 664-1258 Fax (541) 664-2554
CCB#521

May 10, 2010

The Crossing at Center Point, LLC
Anytime Fitness
312 Oak Street, Suite 205/206
Central Point, Oregon 97502

To: The City of Central Point Planning and Building Department.

*Conditional Use Permit File # 07016
Major Modification (Type III)
Sec 17.09 and Sec 17.76.040 Findings and conditions*

The site of the proposed Conditional Use Major Modification (Type III):

- A. 312 Oak Street, Central Point, Oregon, inside the building known as The Crossing at Center Point, on the second floor. It will occupy Suites 205/206 with an address of Suite 205. At this time, we would like for the remaining Suite's 201, 202, 203, 207 and 208 to also be considered in this Major Modification.
- B. The proposed use of this site will not have any significant adverse effect on the abutting property as it is located in previously approved mixed use building.
- C. The proposed establishment is an expansion of Anytime Fitness that is presently located at Suite 101 in The Crossing building. The approximate square footage for the expansion is Approx. 2,080.
- D. Residential Interface.
 - 1. Hours of operation:
 - a. Operation is 24 Hours a day and 365 days a year.

2. Noise.

- a. The location of Suite 205/206 is above a portion of Suite 101 which is occupied by Anytime Fitness and the Breezeway that gives access from Oak Street to the back parking lot of the building and Bobbios Pizza.
- b. The Crossing Building was constructed with anti Sound Buffering. Also, additional Sound Buffering will be added to the ceiling and adjacent walls.

E. Pedestrian Traffic (interior).

1. One internal Stairway will be added from Suite 101 to Suite 205. Handicap access is already available with the external elevator.

F. Parking.

1. Parking Standards for Fitness Center:

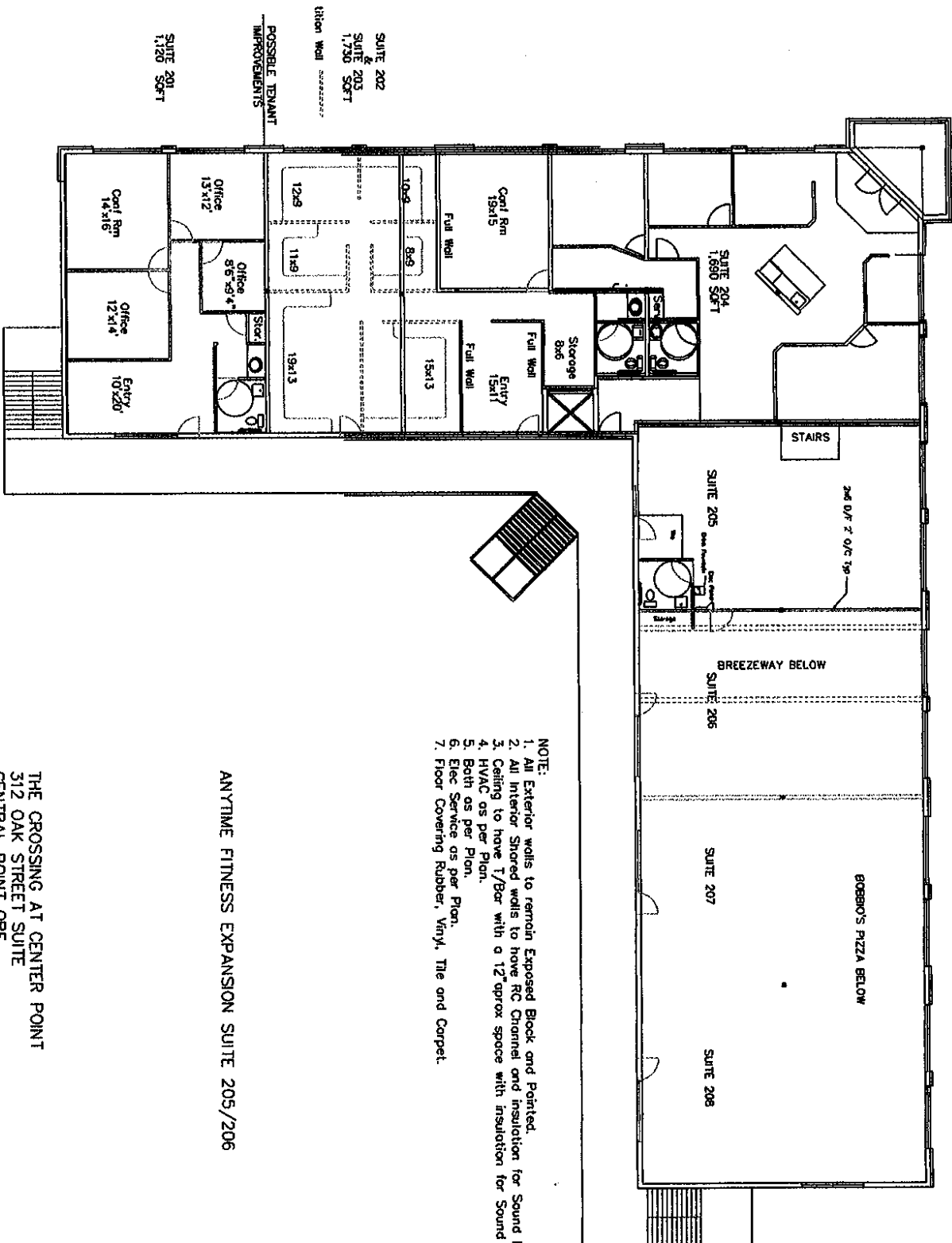
- a. Meets Standards of Conditional Use Permit File #07016.

- b. There are no Adjustments needed.

43 Parking Spaces are required and the building has 44. Also, additional overflow parking will be available at the upcoming Planed City Parking Lot located on Oak Street.

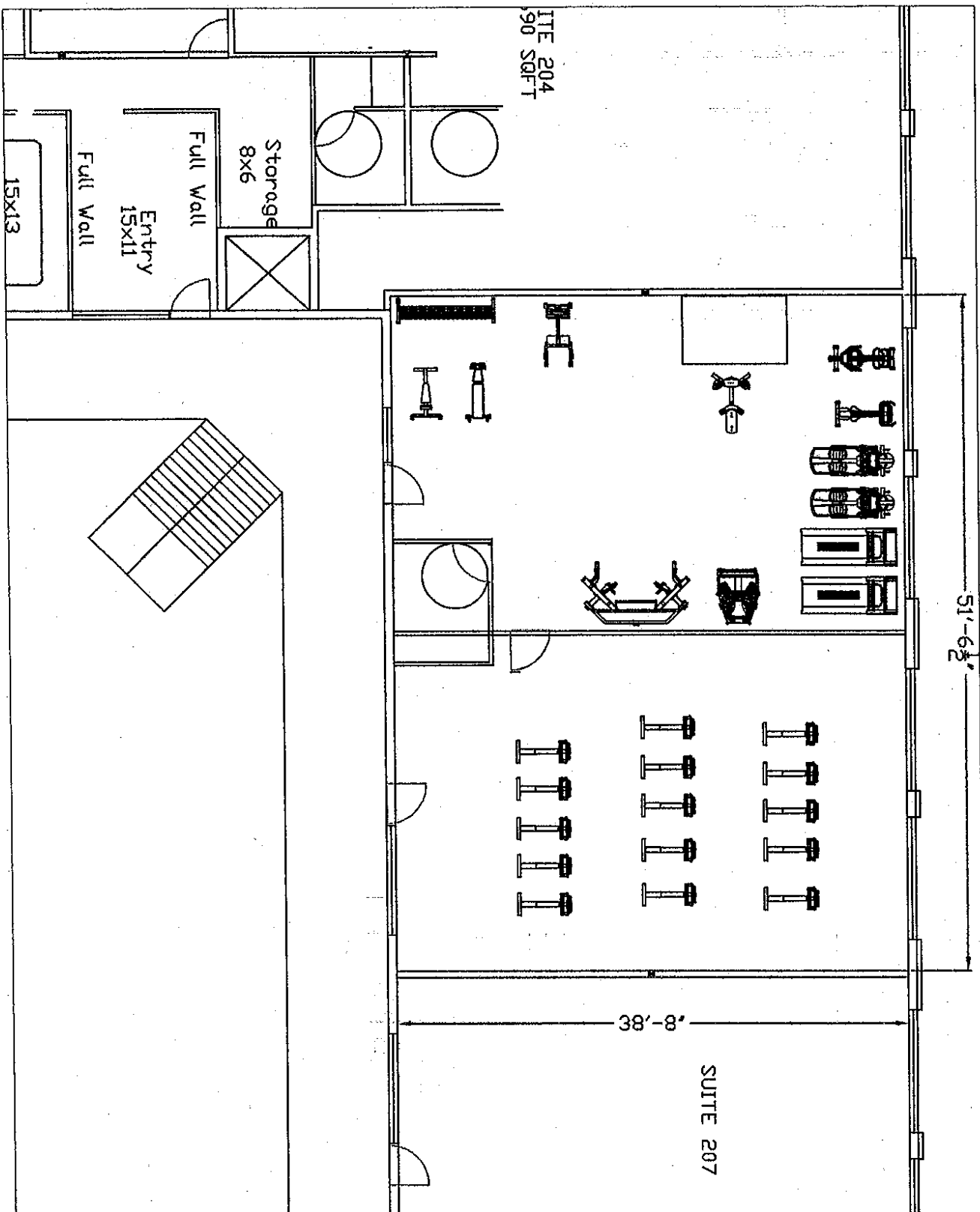
Thank you for this consideration,

Tommy Malot



ANYTIME FITNESS EXPANSION SUITE 205/206

THE CROSSING AT CENTER POINT
312 OAK STREET SUITE
CENTRAL POINT ORE



Client The Crossings
 Address _____
 City, State Central Point, OR

Consultant Chad Mail
 Design _____
 Date 03/31/10



1574 Coburg Rd PMB #369
 Eugene, OR 97401
 866-825-2366 phone
 541-343-3795 fax

Legend

Equipment Selectorized

- 1 Leg Press
- 2 Leg Extension
- 3 Leg Curl
- 4 Ab/Add
- 5 Row
- 6 Back
- 7 Ab
- 8 Shoulder
- 9 Chest
- 10 Lat

- 11 Cable Cross w/
2-Lats
- 12 2-Rows
- 13 1-Chin/Dip; 1-Pdown
- 14 DBell Set
- 15 Adj. Bench
- 16 Smith
- 17 Cage
- 18 Platform

- 18 PL Leg Press
- 19 PL Overhead
- 20 PL Chest
- 21 Upright Cycle
- 22 Ab Bench
- 23 VKR
- 24 Roman
- 25 Mat/ Core Area
- 26 Oly Bench
- 27 Barbell Set

Electrical

- 120 Volt ☐
- Dedicated Outlet ☐
- Standard ☒
- Electrical Outlet ☐
- Video Feed ☐

**PUBLIC WORKS DEPARTMENT**

Matt Samitore, Public Works Director
Stephanie Holtey, CFM

140 South 3rd Street · Central Point, OR 97502 · (541) 664-7602 · www.centralpointoregon.gov

PUBLIC WORKS STAFF REPORT

June 14, 2010

AGENDA ITEM:

Approval of Anytime Fitness expansion to include 2,000 square feet encompassed in Suites 205 and 206 of the existing Twin Creeks Crossing building. The proposal is a modification of Conditional Use Permit No. 0706 and also includes a provision to allow future expansion of the health club activities into Suites 207 and 208.

Applicant: Tom Malot Construction Co., Inc.

Zoning: TOD – HMR

Existing Infrastructure:

Water: There is an existing 8-inch waterline in Oak Street.

Storm Drain: There is an existing 24-inch storm drain line in Oak Street to drains the east.

Street: Oak and 3rd and 4th Streets are 40-foot wide City-owned local streets paved accordingly.

System Development Charges:

System Development Charges (SDCs) assessed at this time are based on the expansion of Anytime Fitness health club to include 2,000 square feet of additional area located within Suites 205 and 206 of the Twin Creeks Crossing Building. The applicant has requested approval for future expansion of the existing use to include Suites 207 and 208; however, use of Suites 207 and 208 by Anytime Fitness is not proposed to occur at this time. Any additional expansion to Anytime Fitness beyond the 2,000 square feet will increase impacts to the transportation system and will be subject to SDCs in effect at the time that the expansion occurs.

Conditions of Approval:

1. A shared parking agreement between the landowner and/or business operator may be required to meet traffic demand, as determined by the Community Development Department. In the event a shared parking agreement is required, it shall be approved by the City Council and recorded with the City of Central Point Finance Department prior to construction of the proposed facility expansion.
2. Future expansion beyond Suite 205 and 206 will be subject to Public Works System Development Charges at the time additional expansion occurs and will be subject to the SDC rates in effect at the time of expansion.

Summary of the Anytime Fitness Trip Study Submitted to Public Works

	Peak Hour 1 4:00-5:00 PM	Peak Hour 2 5:00-6:00 PM	Total	Average	Building Square	Peak Hour Trips
Albany						
Day 1	9	2	10	5	5,380	0.93
Eugene						
Day 1	9	4	13	6.5	5,738	1.13
Sutherlin						
Day 1	9	8	17	8.5	5,545	1.53
Day 2	10	5	15	7.5	5,545	1.35
Day 3	6	7	13	6.5	5,545	1.17
Redmond						
Day 1	2	6	8	4	5,480	0.73
Day 2	13	7	20	10	5,480	1.82
Day 3	4	3	7	3.5	5,480	0.64
ITE						
Study 1				48	15,000	3.20
Study 2				185	44,000	4.20
Total						16.72
Average ITE						2.09

**FINDINGS OF FACT
AND
CONCLUSIONS OF LAW
File No: 07106**

INTRODUCTION

The Crossing at Center Point, a three story building at 312 Oak Street, is located in the TOD-HMR, Transit Oriented Development-High Mix Residential/Commercial zoning district. At this time the applicant is requesting specific review of the second floor use permitted by the Conditional Use Permit and Site Plan review, File: 07106. The project scope includes expansion of Anytime Fitness Center to suites 205 and 206, a 2080 square foot floor area as well as commercial use flexibility of the remaining second floor suites. Applicant: Tom Malot Construction Co., Inc.; Agent: Tommy Malot.

CPMC 17.09.300 Major modifications.

A. Major Modification Defined. The community development director shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:

- 1. A change in land use;*
- 2. An increase in density by more than ten percent, provided the resulting density does not exceed that allowed by the land use district;*
- 3. A change in setbacks or lot coverage by more than ten percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;*
- 4. A change in the type and/or location of accessways, drives or parking areas affecting off-site traffic;*
- 5. An increase in the floor area proposed for nonresidential use by more than fifteen percent where previously specified;*
- 6. A reduction of more than ten percent of the area reserved for common open space; or*
- 7. Change to a condition of approval, or a change similar to subsections (A)(1) through (6) of this section, that could have a detrimental impact on adjoining properties. The city planning official shall have discretion in determining detrimental impacts warranting a major modification.*

Finding: The proposed expansion of Anytime Fitness to the second floor of the project site is an increase in the floor area of the approved Conditional Use Permit by more than fifteen percent.

Conclusion: It has been determined that a major modification application is required since one or more of the changes listed in CPMC 17.09.300 (A) are proposed.

CPMC 17.09.300 B. Major Modification Applications; Approval Criteria. *An applicant may request a major modification using a Type II or Type III review procedure, as follows:*

- 1. Upon the community development director determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The community development director may require other relevant information, as necessary, to evaluate the request.*

2. *The application shall be subject to the same review procedure (Type II or III), decision-making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.*

3. *The scope of review shall be limited to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping. Notice shall be provided in accordance with the applicable notice requirements for Type II or Type III procedures.*

4. *The decision-making body shall approve, deny, or approve with conditions an application for major modification based on written findings on the criteria.*

Finding: The applicant submitted an application for review by the Planning Commission as a Type III Major Modification of the Conditional Use Permit (File 07106) is in compliance with section 17.09.300 (B).

Finding: The applicant is requesting review of the second floor use permitted by the Conditional Use Permit and Site Plan review File: 7106 as provided by subsection 3.

Conclusion: Application complies

CPMC 17.65.050 (C). *Conditional Uses. Conditional uses in Table 1 are shown with a "C." These uses are allowed if they comply with the applicable provisions of this title. They are subject to the same application and review process as other conditional uses identified in this title.*

Finding: The fitness center, the second floor professional office spaces and personal service-oriented businesses are listed in CPMC Section 17.65. 050 Table 1 as conditional uses in the TOD-HMR zoning district. Anytime Fitness center and the professional office spaces received an approved Conditional Use Permit as part of the 2007 Site Plan review (File: 07106). Parking and use compatibility with the third floor residential units was reviewed. The Planning Commission determined the use compatible with the residential use and parking is adequate.

Finding: CPMC Section 17.08.410 *The TOD district definitions* provide categories for land use and activities in the TOD district on the basis of, "common functional, product, or physical characteristics". Subsection (B)(2)(a.- l.) are twelve (12) factors considered to determine what category the use is assigned.

Finding: The applicant is proposing low impact fitness use (bikes/treadmills) of the second floor suites as an expansion of the fitness center. By TOD definition, a fitness center (health clubs) is assigned to the *entertainment* category of commercial uses. The operational characteristics of a fitness center are similar in the type of floor space, clientele and services as found with personal services-orientated business category.

Conclusion: The expansion of the fitness center, personal service-oriented businesses and second floor professional office spaces are listed conditional uses in the TOD-HMR district, and are reviewed with this application.

CPMC 17.66.030 (4). *Conditional Use. Conditional uses shall be reviewed as provided in Chapter 17.76, Conditional Use Permits.*

Finding: A Conditional Use application (File 07106) was reviewed and approved by the Planning Commission, Resolution No. 727. This application is a request to modify the previous approval.

Conclusion: An application has been submitted for public hearing and review.

CPMC 17.76.040 Conditional Use Permit: Findings and conditions. *The planning commission in granting a conditional use permit shall find as follows:*

A. That the site for the proposed use is adequate in size and shape to accommodate the use and to meet all other development and lot requirements of the subject zoning district and all other provisions of this code;

Finding: Per the applicant's narrative, suites 205 and 206, are a 2080 square foot floor area and adequate in size and shape to accommodate the fitness center expansion.

Finding: The remaining second floor suites were constructed as lease office spaces and are of sufficient size to accommodate professional office use or future expansion of the fitness center (Suites 207 and 208) as Table 1 illustrates.

Conclusion: The project can meet the criterion.

CPMC 17.76.040 (B). *That the site has adequate access to a public street or highway and that the street or highway is adequate in size and condition to effectively accommodate the traffic that is expected to be generated by the proposed use;*

Table 1

The Crossing: Suite Size By Square Feet
Sq. Ft. as per building plans

First Floor		
Ste.A 101(Fitness)		5527
Ste.B 103 (Bobbio's)		2800
		8327
Second Floor		
Ste.A 201	1120	1120
Ste.B 202	1040	1040
Ste.C 203	690	690
Ste.D 204 (Lease d)	1690	1690
Ste.E 205	1040	2080
Ste.F 206	1040	
Ste.G 207	1040	
Ste.H 208	1090	2130
	8750	8750
Total 1st/2nd Floors		17077

Finding: The Crossing is a new development completed in 2008 with adequate access to public streets effectively meeting the anticipated traffic that would be generated by the expansion of the fitness and other uses within the development. An internal staircase located in the current fitness center will be constructed to provide members access to the second floor exercise room. The Crossing has an elevator and exterior staircases that provide access to the second and third floor of the building.

Conclusion: The project can meet the criterion.

CPMC 17.76.040 (C). *That the proposed use will have no significant adverse effect on abutting property or the permitted use thereof. In making this determination, the commission shall consider the*

proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings and structures; walls and fences; landscaping; outdoor lighting; and signs;

Finding: The building was designed with separate suite accesses, pedestrian walkways and sound buffering insulation between each floor to facilitate commercial use compatibility with the third floor residential units.

Finding: The operational characteristics of personal services and professional offices are very similar (clients/employees); however, some personal services can have operational characteristics that may not be compatible with abutting residential uses, i.e. uses that generate noise, etc. The building is designed (separated access and sound insulation) to adequately buffer the third floor residences from most personal services. However, there are other personal services (music/karate studios, blueprint shops) that could have adverse impacts on the third floor residential units. To avoid such occurrences, and as a condition of any approval, the Community Development Director shall be given the discretion to approve or deny personal uses deemed to be in conflict with residential uses.

Finding: All site improvements, vehicular ingress, egress and internal circulation, building setbacks, landscaping, and outdoor lighting were addressed with the approval of The Crossing.

Conclusion: As a condition, by allowing the Community Development Director the discretion to approve or deny personal service uses, the issue of compatibility can be addressed on a case by case basis.

CPMC 17.76.040 (D). *That the establishment, maintenance or operation of the use applied for will comply with local, state and federal health and safety regulations and therefore will not be detrimental to the health, safety or general welfare of persons residing or working in the surrounding neighborhoods and will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community based on the review of those factors listed in subsection C of this section;*

Finding: The applicant agrees to comply with all of the above requirements as stated in the applicant's narrative.

Conclusion: The applicant has or intends to meet this criterion.

CPMC 17.76.040 (E). *That any conditions required for approval of the permit are deemed necessary to protect the public health, safety and general welfare and may include:*

- 1. Adjustments to lot size or yard areas as needed to best accommodate the proposed use; provided the lots or yard areas conform to the stated minimum dimensions for the subject zoning district, unless a variance is also granted as provided for in Chapter 17.13,*
- 2. Increasing street widths, modifications in street designs or addition of street signs or traffic signals to accommodate the traffic generated by the proposed use,*
- 3. Adjustments to off-street parking requirements in accordance with any unique characteristics of the proposed use,*

4. *Regulation of points of vehicular ingress and egress,*
5. *Requiring landscaping, irrigation systems, lighting and a property maintenance program,*
6. *Regulation of signs and their locations,*
7. *Requiring fences, berms, walls, landscaping or other devices of organic or artificial composition to eliminate or reduce the effects of noise, vibrations, odors, visual incompatibility or other undesirable effects on surrounding properties,*
8. *Regulation of time of operations for certain types of uses if their operations may adversely affect privacy of sleep of persons residing nearby or otherwise conflict with other community or neighborhood functions,*
9. *Establish a time period within which the subject land use must be developed,*
10. *Requirement of a bond or other adequate assurance within a specified period of time,*
11. *Such other conditions that are found to be necessary to protect the public health, safety and general welfare,*

Finding: The Crossing was constructed subject to a prior land use action (File: 07106). In consideration at this time is the operation of a use within the existing building. As such the above conditions are not applicable to the project with the exception of E(3)). The proposed modification required recalculation of off-site parking requirements.

The project site has thirty-nine (39) parking spaces available. With a 25% credit for transit service proximity, forty-two (42) parking spaces are required to meet the needs for all the existing uses. As provided by Section 17.65.050(3)(d), a reciprocal parking agreement with the City of Central Point was a listed condition of approval in the previous Conditional Use Permit (File 09028) for the project site. A reciprocal parking agreement shall be a condition of any approval with this application.

The TOD district parking standards, Section 17.65.050 Table 3, establishes parking requirements in connection with the land use category. The TOD parking space standard for entertainment uses at 1:250 includes fitness centers. As found in above findings, a fitness center has similar characteristics identified by common functionality and site factors as does personal service uses, i.e. martial arts and dance studios. The standard for professional offices is 1:400 and personal services is 1:500.

The TOD district encourages shared parking by users within a mixed-use building. The difference in the time of day distribution of peak parking demand is a determining factor to the success of shared parking. The following is an Institute of Transportation Engineers (ITE) Parking Study comparison of the Crossings mix-uses.

ITE Peak Period Demand

Use	Peak Hour(s)	Vehicles/ 1000 GFA
Health Club		
/Fitness Center	6:00 p.m.- 7:00 p.m.	1.77 -10.56
Office	9:00 a.m.- 4:00 p.m.	1.36-6.81
Multi-Residential	12:00a.m.- 5:00 a.m.	0.68-1.94 per DU

Source: Institute of Transportation Engineers: Parking Generation 3rd Edition

The conversion of 2,080 sq. ft. from office to entertainment use would typically require additional parking. However, in the case of the fitness center, 54% of the parking demand occurs after 6:00 p.m. allowing the shared use of the vacated office parking. Conservatively, and under a mixed-use scenario, a parking ratio of 1:400 is adequate for the fitness center.

The p.m. peak hour parking demand is substantiated by published studies by the Institute of Transportation Engineers (ITE) Trip Generation 7th Edition. The ITE report finds that a fitness center generates 1.2 peak a.m. trips and 4.05 peak p.m. hour vehicle trips per 1,000 square feet floor area. Evening peak hour trips for Anytime Fitness is supported by the facility trip study submitted to the City of Central Point Public Works Department. The study of four (4) Oregon Anytime Fitness centers found the average peak hour trips for each center to be below the national ITE average (see study summary Attachment C).

The expansion of the fitness center to suites 205 and 206 is a 2080 square foot conversion from professional office space. The future expansion of the fitness center to include suites 207 and 208 is not contracted at this time; however, the applicant is requesting that this option be considered as part of this modification. The specific tenant use of the remaining vacant suites has not been determined. Table 2 provides an illustration of the proposed lease tenants and required parking.

Table 2: The Crossing Parking Space Analysis

Building	2010 Uses Sq. Ft.	Required Parking	Modification Scenario A	Required Parking	Modification Scenario B	Required Parking	Modification Scenario C	Required Parking
1st Floor								
Entertainment A @ 1/250	2800	11	2800	11	2800	11	2800	11
Retail/Service @ 1/500	5527	11	5527	11	5527	11	5527	11
2nd Floor								
Professional Offices @1/400	8750	22	4560	11	1690	4	1690	4
Fitness Center @ 1/400	0	0	4210	11	4210	11	7060	18
Personal Service @ 1/500	0	0	0	0	2850	6	0	0
3rd Floor								
8 Residential Units @1.5 per Unit	8	12	8	12	8	12	8	12
Spaces		56		56		55		56
25% Reduced/Transit		14		14		14		14
Total Required Parking		42		42		41		42
Parking Provided		39		39		39		39
Net Surplus/(Deficit)		-3		-3		-2		-3

A parking evaluation of the general project area (300 ft. radius from the project) was conducted as part of File 09028 and it was determined, based on current parking standards, that there is a parking surplus of 81 spaces.

Conclusion: The project was initially designed based on the second floor being used for professional offices and as such, personal service uses will not adversely affect the parking requirements. The p.m. peak hour parking demand variation for a fitness center provides for the utilization of the same parking spaces at different times of the day. A shared parking agreement with the City of Central Point compensates for lack of on site parking and is compliant with Section 17.74.40 (E) required parking. Said agreement is a condition of any approved modification.

PLANNING COMMISSION RESOLUTION NO. _____

**A RESOLUTION GRANTING APPROVAL OF A MAJOR MODIFICATION
TO AN APPROVED CONDITIONAL USE PERMIT
LOCATED WITHIN "THE CROSSING AT CENTER POINT"**

**Applicant: Tom Malot Construction Co., Inc.
(37S 2W 11BB, Tax Lots 500, 600, and 700
312 Oak Street)
File No. 07106**

WHEREAS, the applicant submitted an application for a Major Modification to the Conditional Use Permit for the second floor uses located within The Crossing at Center Point. The subject property is located in the Transit Oriented Development-High Mix Residential/Commercial (TOD-HMR) zoning district and is identified on the Jackson County Assessor's map as 37S 2W 11BB, Tax Lots 500, 600, and 700.

WHEREAS, on July 6, 2010, the Central Point Planning Commission conducted a duly-noticed public hearing on the application, at which time it reviewed the City staff report and heard testimony and comments on the application; and

WHEREAS, the Planning Commission's consideration of the application is based on the standards and criteria applicable to Major Modifications in accordance with Section 17.09.300, the TOD-HMR zoning district section 17.65, and Conditional Use Permit section 17.76 of the Central Point Municipal Code; and

WHEREAS, after duly considering the Applicant's request, it is the Planning Commission's determination that the application does comply with the applicable standards, criteria and subject to compliance with conditions as set forth in the Staff Report dated July 6, 2010;

NOW, THEREFORE, BE IT RESOLVED, that the City of Central Point Planning Commission, by this Resolution No. _____ does hereby approve the application based on the findings and conclusions of approval as set forth on Exhibit "A", the Staff Report dated July 6, 2010 which includes attachments, attached hereto by reference and incorporated herein.

PASSED by the Planning Commission and signed by me in authentication of its passage this 6th day of July, 2010.

Planning Commission Chair

ATTEST:

City Representative

Approved by me this 6th day of July, 2010.

Planning Commission Chair

**PROPOSED AMENDMENTS TO TOURIST
AND OFFICE-PROFESSIONAL (C-4)
ZONING DISTRICT**

STAFF REPORT



Planning Department

Tom Humphrey, AICP,
Community Development Director/

STAFF REPORT

July 6, 2010

AGENDA ITEM: File No. 10001

Continued discussion of proposed amendments to the Tourist and Office-Professional (C-4) zoning district; **Applicant:** City of Central Point.

STAFF SOURCE:

Don Burt, Planning Manager

MEETING OBJECTIVE:

To: 1) Update the Planning Commission on recent discussion regarding the proposed amendments to the C-4 district; and 2) to continue discussion and input. The proposed order of discussion is:

- i. Definitions
- ii. Purpose Statement
- iii. Allowed Uses
- iv. Site Design Standards
- v. Building Design Standards

BACKGROUND:

On June 1, 2010 the Planning Commission was given an overview of the draft C-4 ordinance, followed by a brief discussion. It was noted that the ordinance as presented was a "draft" and subject to further input and modification. Since that meeting staff has met with a group of local C-4 property owners (the "Committee") to discuss the draft ordinance. In general the Committee found the ordinance to be unacceptable. It was their position that the ordinance was too restrictive and would discourage large format (Big Box) retail development. The Committee did not give specific examples of the prohibitive nature of the ordinance, nor did they offer any alternatives. There was some discussion of scheduling a future meeting to continue the dialogue. Since the meeting with the Committee staff has prepared drawings illustrating (site plan only) the impact on existing and proposed C-4 developments. These drawings will be presented at the meeting on July 6, 2010.

EXHIBITS/ATTACHMENTS:

Attachment "A" – General Commercial (C-4) Draft Ordinance 7-6-10
Allowed Use Comparison Table (Attachment – "B")
NAICS Sample Text (Attachment – "C")

ACTION:

Discussion, draft C-4 ordinance (Attachment "A")

RECOMMENDATION:

Direct staff to modify the draft per discussion, and to schedule a public hearing on August 3, 2010 to consider the final draft and forward a recommendation to the City Council.

C-4

CHAPTER 17.44 MIXED-USE COMMERCIAL

17.44.000 Sections

- Section 17.44.010 Purpose
- Section 17.44.020 Allowed Uses
- Section 17.44.030 Design Standards
 - Section 17.44.031 Connectivity Standards
 - Section 17.44.032 Site Design Standards
 - Section 17.44.033 Parking Design Standards
 - Section 17.44.034 Access Standards
 - Section 17.44.035 Building Design Standards
 - Section 17.44.036 Screening
 - Section 17.44.037 Signage
- Section 17.44.050 Residential Development
- Section 17.44.060 Exceptions
- Section 17.44.070 Definitions

17.44.010 Purpose

The C-4 District is intended to provide for the development of concentrated mixed-use commercial facilities that serve the needs of local and regional residents and the traveling public, and also for the development of compatible professional office facilities. The uses allowed within the C-4 district are generally dependant on convenient, safe, and efficient vehicular access along major transportation routes. The design standards for development within the C-4 district are intended to complement the City's small town character and to enhance, and encourage pedestrian, bicycle, and transit connectivity. C-4 development should occur at locations that will maximize ease of access and visibility from the Interstate 5 freeway and major arterial streets and to be convenient to the users of Expo Park, the airport, and downtown.

17.44.020 Allowed Uses

A. Use Classification. The uses allowed within the C-4 District are presented in Table 17.44.020. The list of uses is based on the North American Industrial Classification System (NAICS), which uses a six-digit code to identify all business uses. The first two digits identify business sectors, the third digit identifies subsectors, the fourth digit designates the industry group, and the fifth and sixth digits designate specific industries.

Table 17.44.020 identifies allowed uses first by their name, then business sector (first 2-digits), and if necessary by the business subsector (third digit). Unless otherwise specified all uses identified within a sector, or subsector, are allowed, e.g. in the Retail Category (44-45) all uses listed in the NAICS as sectors 44 and/or 45 are allowed, in the Accommodations Category only uses within the subsector 721 are allowed. If a sector, or subsector, is not listed, it is not allowed. The definition of each specific use is based on the latest NAICS definitions, hereby adopted by reference.

B. General Use Restrictions. The following general use restrictions shall apply:

1. All businesses, services and processes shall be conducted entirely within an enclosed structure, with the exception of off-street parking and loading areas, outdoor eating areas, service stations, or other similar uses approved by the Community Development Director.
2. Open storage shall be permitted only as an accessory use, and only within an area screened by a solid wall or fence. No material, or equipment shall be stored to a height greater than that of the screening wall or fence.

TABLE 17.44.020 Allowed Uses, C-4 District			
Uses	Status of Use	Uses	Status of Use
NAICS Classification	C-4	NAICS Classification	C-4
Wholesale (42)	N	Health Care & Social Assistance (62)	P
Retail (44-45)	P	Arts, Entertainment, & Recreation (63)	C
Transportation & Warehousing (48-49)	N	Accommodations (721)	P
Utilities Distribution (2212 - 2213)	P	Food Services & Drinking Places (722)	P
Information (51)	P	Repair & Maintenance (811)	N
Finance & Insurance (52)	P	Personal & Laundry Services (812)	P
Real Estate, Rental, & Leasing (53)	P	Religious, Grantmaking, Civic, Professional, & Similar Organizations (813)	P
Professional, Scientific, & Professional Services (54)	P	Private Households (814)	C ¹
Management of Companies & Enterprises (55)	P	Agriculture, Forestry (11)	N

TABLE 17.44.020 Allowed Uses, C-4 District			
Uses	Status of Use	Uses	Status of Use
NAICS Classification	C-4	NAICS Classification	C-4
Administrative & Support Services (561)	P	Mining, Quarrying (21)	N
Waste Management and Remediation Services (562)	N	Construction (23)	N
Educational Services (61)	P	Manufacturing (31-33)	N

¹ See Section 17.44.050

17.44.030 Design Standards

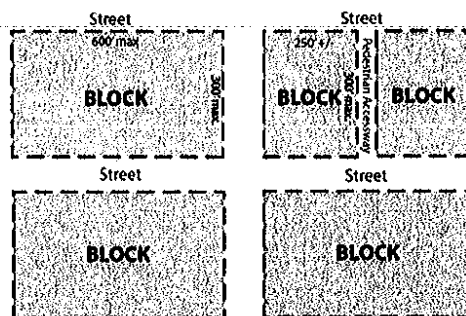
A. Objective. It is the objective of the C-4 design standards to introduce basic design elements that enhance a development's sense of place, complement abutting zoning districts, and support the City's objective to maintain its small town character¹. This objective is attained through the application of development standards that result in a built environment that is human in scale and pedestrian friendly, taking into consideration block, site design, access, and building design standards.

B. Applicability. All development within the C-4 district shall be designed in compliance with the standards of this section, and subject to the review and approval of the approving authority as set forth in Table 17.05.1.

17.44.031 Connectivity Standards. To encourage and support the development of a walkable environment the following connectivity standards shall apply to all development within the C-4 district:

Figure 17.44.031.1. Commercial Block Example

A. Connectivity Objective. The objective of the connectivity standards is to assure that the basic development pattern within the C-4 district is based on a walkable grid system (blocks) that encourages and promotes convenient and attractive pedestrian connectivity between adjacent land uses, the street system, parking, and on-site uses (see Section 17.44.050 for definition of "Block").



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¹ See Definition "Small Town Character"

B. Block Maximum Length/Width/Perimeter. Unless exempted below, the site shall be divided into blocks no longer than 600 feet by 300 feet and having a maximum perimeter dimension of 1,600 feet (See Figure 17.44.031.1). The maximum block length applies both to blocks containing buildings and blocks containing surface parking.

Block length and width are measured from right-of-way to right-of-way along the street frontage. A block's perimeter is the sum of all sides.

C. Exceptions. The above block standards may be modified to the minimum extent necessary based on findings that strict compliance with the block standards is not reasonably practical, or appropriate, due to:

1. Topographic constraints;
2. Existing development patterns on abutting property which precludes the logical connection of streets, or pedestrian access ways; or
3. Major public facilities abutting the property such as railroads and freeways.

To allow flexibility in site design the Community Development Director has the authority, through a Class B Variance, to approve increases in the maximum block dimensions in an amount not to exceed 10%.

Guidelines: Within the C-4 district blocks may be delineated by a combination of streets and pedestrian accessway² rights-of-way. Street rights-of-way may include private retail streets³.

Section 17.44.032 Commercial Site Design Standards. The purpose of the site design standards is to manage the arrangement of buildings and parking in a manner that promotes human scale development and preservation of the community's small town character. The following standards address the basic site design requirements for all development within the C-4:

Commercial	
Minimum Lot Area	5,000 sq. ft.
Min. Lot Width	N.A.
Min. Lot Depth	N.A.
Maximum Lot Coverage	90%
Front Yard Set Back	0 ft. – 10 ft.
Side Yard Set Back	0 ft. – 5 ft.
Rear Yard Set Back	10 ft. – 20 ft. ⁴

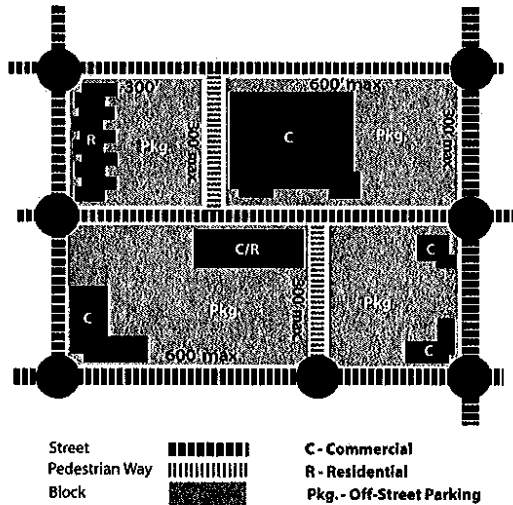
Section 17.44.033 Building Frontage Standards

1. A minimum of 50% of a project's street frontage shall be occupied by buildings.

² See Section 17.44. for Pedestrian Accessway standards.

³ See Section 17.44. for Retail Street standards.

⁴ Rear Yard: Minimum ten (10) ft. When abutting residentially zoned/planned lands the rear yard shall be a minimum of twenty (20) ft.



Section 17.44.034 Off-Street Parking Standards

Off-street parking is prohibited between the building(s) and the property line adjacent to a public street for buildings within 200 ft. of the public street right-of-way. Where buildings are located more than 200 feet from the public street, however, on sites 200 feet deep or more, parking may be located between the street-facing facade line and the public street subject to all of the following standards:

1. Site Design Standards. Surface parking lots along a public street shall have a minimum 20 ft. landscape buffer along the public street frontage (see Section 17.44.033(2,B); and

A. Location. Parking lots shall not be located between a building and the public street. The exceptions to this standard are:

1. At least 50% of a project's public street frontage is occupied by buildings and it is demonstrated that the frontage can be in-filled at a later date; or
2. The reuse of an existing building precludes compliance with this standard and is accepted by the Community Development Director.

B. Perimeter Screening. The following screening standards apply to parking lots:

a. Parking lots that abut the public right-of-way shall be screened as follows:

- i. Low walls, raised planters, or landscaped mounds not exceeding three (3) feet made of concrete, masonry, or other similar material that complements the building architecture.
- ii. Landscape planting shall consist of eighty percent evergreen trees, shrubs, and groundcovers at least x feet in width.

Note: Chain link fencing shall not be permitted to screen or enclose parking.

C. Interior Landscaping. The following interior landscaping standards apply to parking lots:

- a. Parking lot landscaping shall be used to reinforce pedestrian and vehicular circulation, including:
 - i. Parking lot entrances;
 - ii. Ends of driving aisles;
 - iii. Defining pedestrian access ways through parking lots

b. All landscaped areas next to pedestrian access ways shall be maintained, or plant materials chosen, to maintain a clear sight zone between three and eight feet from the ground level.

c. For parking lots greater than fifty (50) parking spaces, the location of interior landscape island shall be allowed to be consolidated for planting of large stands of trees to break up the scale of the parking lot.

d. The number of trees required in the interior landscape area shall be dependent upon the location of the parking lot in relation to the building and public right-of-way:

i. Where the parking lot is located between the building and the public right-of-way, one tree for every four spaces;

ii. Where the parking lot is located to the side of the building and partially abuts the public right-of-way, one tree for every six spaces;

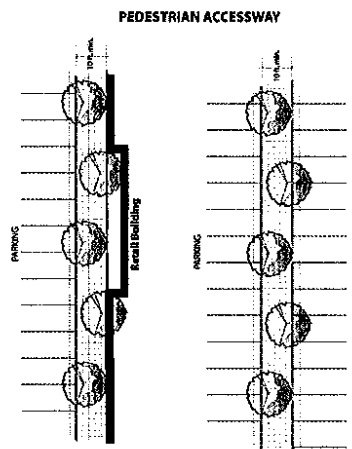
iii. Where the parking lot is located behind the building and is not visible from the public right-of-way, one tree for every eight spaces.

D. Lighting. All lighting shall be energy-efficient, glare-free, and shielded from the night sky and adjacent properties to minimize off-site spill-over.

2. **Maximum Off-Street Parking Requirements.** The maximum permitted off-street parking as calculated in Section 17.64 shall be reduced by 20%.

3. **Reduction of Minimum Off-Street Parking Requirements.** This section provides for reductions in the minimum off-street parking requirements in Section 17.64, *Off-Street Parking and Loading*. The minimum off-street parking requirement shall be reduced as follows:

- a. By one space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards.
- b. By up to 10 percent to preserve significant stands of trees or protected trees in addition to those required to be preserved by the Code, pursuant to protection measures specified in the Environmental Criteria Manual.
- c. By 20 spaces for every car-sharing vehicle provided in a program that complies with the requirements prescribed by the Director by administrative rule.



Unless otherwise specified, the above reductions may be applied cumulatively, and may be applied in addition to the reduction authorized in this section, but in no case may the minimum off-street parking requirements be reduced by more than 40 percent.

Section 17.44.034 Access Standards. Vehicular and pedestrian access shall comply with the following standards:

A. Pedestrian Access. To create a network of safe, consistent, and convenient linkages for pedestrians the following standards apply:

1. A comprehensive system of pedestrian sidewalks/access ways shall link all site entrances, building entries, parking facilities, and common outdoor activity areas with public sidewalks or pedestrian access ways.
2. Clearly defined pedestrian accessways shall be provided:
 - Between public sidewalks and building entrances when buildings are not located directly adjacent to the sidewalk; and
 - Between parking lots and building entrances.
3. Where transit stops occur in the public right-of-way, sidewalks/pedestrian accessways shall provide a clear and direct connection from the main building entrance to the transit stop.
4. Pedestrian connections shall occur, or be planned, between adjacent developments where feasible.
5. Pedestrian Accessway Design. All on-site pedestrian accessways shall be improved to the following standards:
 - I. A raised walkway with a minimum width of ten (10) feet, and a minimum improved unobstructed width of six

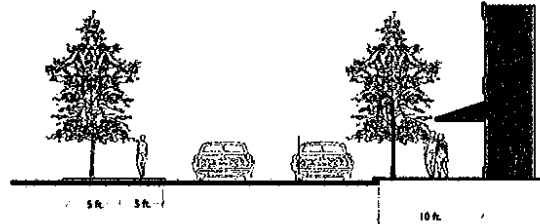


(6) feet.

ii. Special bollards, and/or other architectural features to accent the pedestrian access way between the parking bays.

iii. Special paving, such as concrete or unit pavers.

B. Vehicular Access. Driveway access along arterial streets is prohibited, with the following exception; driveways along arterial streets will be allowed upon demonstration that there are no other alternatives, and that the driveway can be shared with abutting properties.



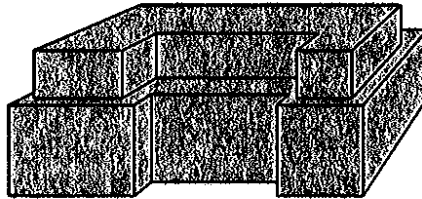
RETAIL STREET

35' Right-of-Way
Travel Lanes (2 @ 12 feet)
On-Street Parking Lanes (optional)
Sidewalks (1 @ 5 feet, 1 @ 10 feet)

Section 17.44.035 Building Design Standards. The following design standards are intended to assure pedestrian scale commercial development that supports and enhances the small town character of the community. All publicly visible building frontages shall comply with the standards set forth in this section.

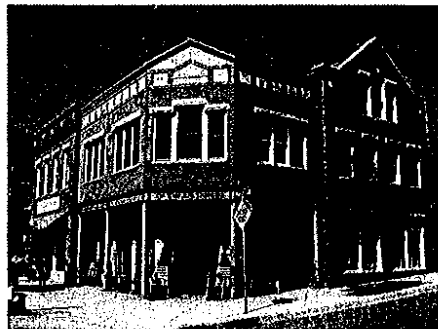
A. Massing, Articulation, Transparency, and Entrances

1. Building Massing. The "top" of the building shall emphasize a distinct profile or outline with elements such as a projecting parapet, cornice, upper level setback, or pitched roofline.



2. Façade Articulation. Facades longer than forty (40) feet and visible from a street or residential area shall be broken down into small units through the use of articulation, which may include offsets, recesses, staggered walls, stepped walls, pitched or stepped rooflines, overhangs, or other elements of the building's mass.

Guidelines, Façade Articulation
For purposes of satisfying the requirements in subsections 2 above, "façade articulation" shall consist of one of the following design features,

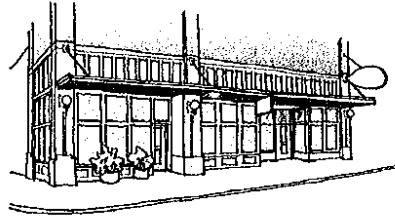


none of which can be trademarked design features:

a. Changes in plane with a depth of at least 24 inches, either horizontally or vertically, at intervals of not less than 20 feet and not more than 40 feet; or

b. Changes of color, texture, or material, either horizontally or vertically, at intervals of not less than 20 feet and not more than 100 feet; or

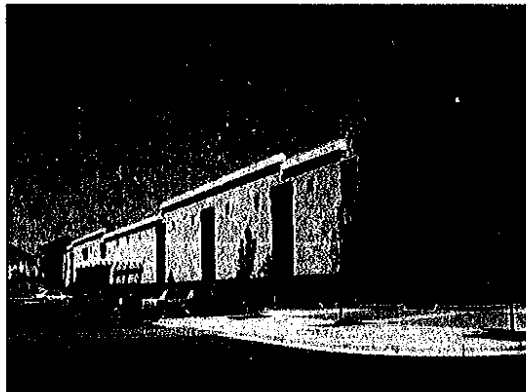
c. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relief of at least eight inches.



3. Pedestrian Entrances. For buildings adjacent to a street, a primary pedestrian entrance shall be provided that is easily visible, or easily accessible, from the street right-of-way, or a pedestrian access way. To ensure that building entrances are clearly visible and identifiable to pedestrians the principal entry to the building shall be made prominent with canopies, or overhangs.

Guidelines: To achieve the objectives of this section the design of a primary entrance design should incorporated at least three of the following design:

a. Architectural details such as arches, friezes, tile work, murals, or moldings;

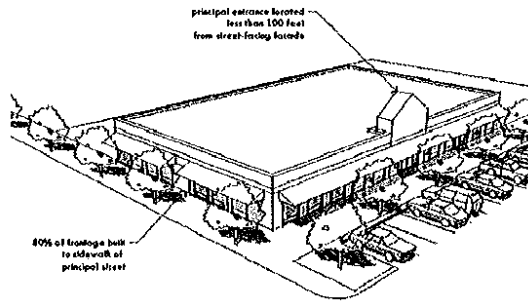


- b. *Integral planters or wing walls that incorporate landscape or seating;*

- c. *Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights;*

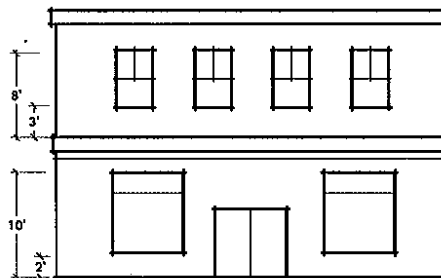
- d. *Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets; and*

- e. *A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.*



4. Transparency. Transparency (glazing) provides interest for the pedestrian, connects the building exterior and interior, puts eyes on the street, promotes reusability, and provides a human-scale element on building facades. Projects subject to this section shall meet the following minimum glazing requirements, but glazing shall not be limited to the areas discussed:

- a. A minimum of forty (40) percent of any ground floor façade facing and within fifty (50) feet of a street right-of-way or pedestrian access way shall be comprised of transparent glazing from windows or doors. Reflective glass or film is not permitted on a ground floor façade.
- b. The second floor must provide a minimum of 25 percent glazing between three and eight feet, as measured from that story's finished floor level.
- c. On all other publicly visible facades, at least 25 percent of the wall area between two and ten feet above grade must consist of glazing. This requirement shall not apply if the building code prohibits windows on such facades.
- d. If a single-story building has a façade taller than 20 feet, the façade area above 15 feet is subject to the same window requirement as the second floor requirement in Subsection 1.



- e. Any façade that is built up to an interior mid-block property line is not required to have glazing on that façade if no prohibitions and no contractual or legal impediments exist that would prevent a building being constructed on the adjacent property up to the wall of the façade.

B. Wall Faces. To ensure that buildings do not display unembellished walls visible from public or residential areas the following standards are imposed on wall faces that are within fifty (50) feet of a street, sidewalk, pedestrian access way, or an abutting residential zone:

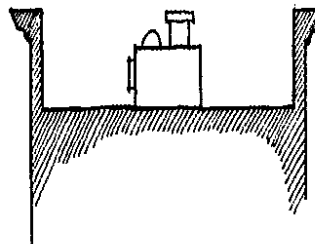
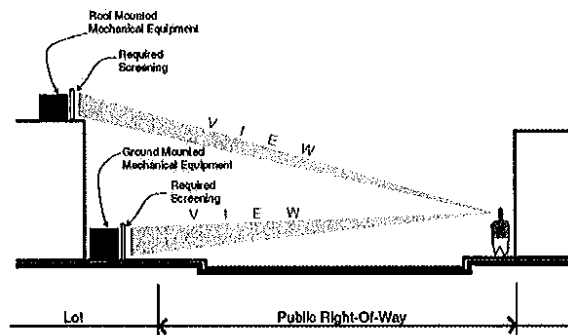
1. As applicable each side of a building shall be given architectural treatment to meet the intent of this section by using three (3) or more of the following:
 - i. Varying rooflines with one foot or greater changes of height at least every forty (40) feet;
 - ii. Transparent windows that comprise at least forty (40) percent of the visible façade;
 - iii. Secondary entrances that include glazing and landscape treatment;
 - iv. Balconies;
 - v. Awnings/canopies;
 - vi. Planted trellises;
 - vii. Projecting cornices at least twelve inches in height;
 - viii. Variation in building form and materials demonstrated to meet the intent of this section.
3. As applicable, where transparent windows are not provided on at least forty (40) percent of walls (or portions of walls) to meet the intent of this section, at least three (3) of the following elements shall be incorporated:
 - i. Masonry (but not flat concrete block);
 - ii. Concrete or masonry plinth at wall base;
 - iii. Belt courses of a different texture and color;
 - iv. Projecting cornice;
 - v. Projecting awning/canopy (minimum 4 ft. overhang);
 - vi. Decorative tile work;

- vii. Trellis containing planting;
 - viii. Artwork of a scale clearly visible from the associated right-of-way;
 - ix. Vertical articulation;
 - x. Lighting fixtures;
 - xi. Recesses or bays;
 - xii. Use of other architectural elements not listed that is demonstrated to meet the intent of this section.
3. Building facades over two hundred feet in length facing a street shall provide two or more public building entrances off the street.
 4. Building facades adjoining other buildings (attached to more than 50% of the sidewall), or designed to abut other buildings are exempt.
 5. Building facades not abutting residentially zoned lands, but facing loading areas, or rear services areas are exempt.

C. Building Height Regulations. Maximum height not to exceed sixty (60) feet in height.

Section 17.44.036 Screening of Service Areas and Rooftop Equipment. To screen the view of any rooftop mechanical and communications equipment from the ground level of nearby streets and residential areas within 200 feet, the following standards apply:

1. Mechanical equipment shall be screened by extending parapet walls or other roof forms that are integrated with the architecture of the building. Painting of rooftop equipment or erecting fences are not acceptable methods of screening.
2. Rooftop mounted voice/data transmission equipment shall be integrated with the design of the roof, rather than being simply attached to the roof-deck.



Section 17.44.050 Residential Standards

Within the C-4 district residential uses are permitted subject to the EC TOD standards as set forth in Section 17.65.050.

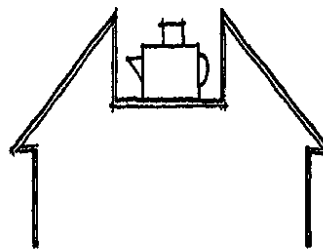
Section 17.44.060 Exceptions

Exceptions to the standards set forth in this subsection shall be considered as a variance per Section 17.3.

Section 17.44.070 Definitions

The following definitions are applicable to all of Section 17.44:

Block. The term "block" means the area surrounded by streets, or a combination of streets, existing development, and/or impenetrable natural features. The block is the core element of the City's small town urban design strategy, and is the foundation of the City's pedestrian friendly development goals. Depending on the underlying zoning, blocks may be subdivided into any number of smaller lots or parcels, or other forms of tenure. The minimum and maximum requirements for block size are set forth in Section 17.44.030 of this code. Pedestrian accessways, or major off-street bicycle/pedestrian paths may be used to meet the block standards.



Building Façade Line. A line that is parallel to a lot line or internal circulation route curb line, as applicable, and the same distance from the lot line or curb line as the closest portion of a building.

Glazing. The panes or sheets of glass or other non-glass material made to be set in frames, as in windows or doors.

Internal Circulation Route. Either a public street or a private drive edged by a curb within a development.

Street. The term "street" means the entire area within the right-of-way lines of every public, or private way used for vehicular, bicycle, and pedestrian traffic and includes the terms road, highway, lane, place, avenue, alley, pedestrian access way, and other similar designation.

Street, Retail. A street, either public or private, with on-street parking, that is the primary frontage for commercial lots.

NAICS. The term "NAICS" refers to the latest official version of the North American Industrial Classification System. The NAICS is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

Small Town Environment. The citizens of Central Point recognize and support the continued growth of the community, provided that such growth maintains and enhances the City's small town character as represented by the development of a pedestrian scale city. The term "small town environment" refers to the physical and social advantages of a community that is designed to be walkable, safe, and buildings designed with the pedestrians in mind (human scale).

Pad-Site Building. A building that is intended for a single commercial use and that is physically separate from the other buildings on the site. Typically used in the context of retail shopping center development, a building or building site that is physically separate from and smaller than the principal building and reserved for free-standing commercial uses. Typical pad site uses include, by way of illustration only, free-standing restaurants, banks, and service stations.

Principal Building. A building in which is conducted the principal use of the lot on which it is located.

Principal Entrance. The place of ingress and egress most frequently used by the public.

Principal Street. In this Subchapter, the principal street of a lot or site is the street with the highest priority that is adjacent to the lot or site. If a lot is adjacent to more than one street of equally high priority, the principal street is: the street with the highest level of transit service, as determined by the Community Development Director; or, if the streets do not have transit service or the level of transit service is equal, the street designated by the lot owner.

Publicly Visible. A site, building, structure, object, or any part thereof, that is visible from a public street or other area to which the public has legal access, from a vantage point of three feet to six feet off the ground.

Mechanical Ventilation Equations Calculation Table

ZONE 1	ZONE 2	EQUATIONS
		Az = Area of zone: the net occupiable floor area of the space or spaces in the zone (section 03.3.1.1).
		D = Occupant diversity: the ratio of the system population to the sum of the zone populations determined in accordance with Equation 4-7 (section 403.3.2.3.3).
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MISCELLANEOUS



LEGAL BRIEFS

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TPR and City Responsibilities

Willamette Oaks, LLC. v. City of Eugene, 232 Or App 29, 220 P3d 445 (2009)

This case concerns a zone change and a city's responsibility under the transportation planning rule ("TPR"). The TPR is an Oregon Department of Land Conservation and Development rule found at OAR Chapter 660, division 12. The rule generally requires cities to determine whether comprehensive plan and zoning amendments, including zone changes, will "significantly affect" transportation facilities and put in place measures to ameliorate any such effects.

In *Willamette Oaks*, an applicant sought and Eugene approved a zone change from medium to high-density residential. The city did not evaluate whether the zone change would significantly affect transportation facilities, but instead imposed a condition requiring the applicant to demonstrate TPR compliance prior to any development on the property. Cities commonly defer TPR compliance to the development stage, as Eugene did here.

Willamette Oaks appealed Eugene's decision to the Land Use Board of Appeals ("LUBA") and argued that the city must evaluate the TPR before the zone change could be approved. LUBA rejected Willamette Oaks' argument and determined that the TPR analysis could be deferred until the applicant applied to develop the property. Willamette Oaks appealed LUBA's decision to the Oregon Court of Appeals.

The Court of Appeals limited their discussion to the question of "whether, pursuant to OAR 660-012-0060, prior to approving the zone change, the city was required to evaluate whether that zone change would significantly affect transportation facilities." The court determined that the text of the rule shows that "an evaluation of significant effect is intended to be performed *prior* to a contemplated amendment." *Id.* at 35, 448 (emphasis in original). The court held that any approval of an amendment subject to the TPR (e.g. any zone change) could only follow a "significant effect" determination.

With development projects significantly stalled as a result of the recession, many cities are using this time to focus on long range planning issues. The lesson here is that it is imperative for cities to consider what impacts a comprehensive plan amendment, zoning code amendment or zone change will have on transportation facilities and make the necessary TPR findings *before* approving the amendment. In the wake of the *Willamette Oaks* decision, the days of deferring TPR analysis to a later stage are, unfortunately, over. ■

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